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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESCO INSURANCE COMPANY as subrogee
of its insured NICKELS AND DIMES
INCORPORATED,

Plaintiff,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG., an Iowa
corporation,

Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

**CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL**

Case No.: 2:16-cv-02378-JCM-EJY

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE A JOINT
PRETRIAL ORDER
(Sixth Request)**

JENNIFER WYMAN, individually; BEAR
WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
WYMAN; and SARA RODRIGUEZ natural
parent and guardian ad litem of JACOB WYMAN,

Plaintiffs,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG, an Iowa
Corporation; HI-TECH SECURITY INC, a
Nevada Corporation; WILLIAM ROSEBERRY;
BOULEVARD VENTURES, LLC, a Nevada
Corporation; DOES 1 through 10; BUSINESS
ENTITIES I through V; and ROE
CORPORATIONS 11 through 20, inclusive,

Defendants.

HI-TECH SECURTY INC; and WILLIAM
ROSEBERRY,

Third-Party Plaintiffs,

vs.

NICKELS AND DIMES INCORPORATED,

Third-Party Defendants.

COMES NOW, Plaintiffs, SARA RODRIGUEZ parent and guardian of JACOB WYMAN, by and through their counsel of record, Cliff W. Marcek, Esq and Thomas Schwartz, Esq.; Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman by and through their attorney of record, Tracy A. Eglet, Esq. and Brittney R. Glover, Esq. of EGLET ADAMS LAW OFFICE; Smart Industries Corporation, by and through its attorney of record William H. Pruitt, Esq. and Joseph R. Meservy, Esq. of BARRON & PRUITT; and Wesco Insurance Company by and through its attorney Peter Duboswky, Esq. of DUBOWSKY LAW OFFICE and hereby agree and stipulate to extend the time to file the Joint Pretrial Order.

On September 16, 2021, the Honorable Judge James C. Mahan filed a Minute Order stating the parties were to submit a Joint Pretrial Order in compliance with Local Rule 16-4 within 30 days. The Joint Pretrial Order was due October 18, 2021. The parties were granted three extensions until November 12, 2021, and had agreed to further extend the deadline until November 30, 2021 and then to December 21, 2021.

The parties have conducted extensive discovery and there are many documents to review. In addition, there have been numerous depositions, written discovery and each side has disclosed expert witnesses. Due to the amount of potential evidence, the parties need another short extension to prepare and file the Joint Pretrial Order.

The parties are circulating drafts for the joint pretrial order and have made additional progress since the last extension was granted, but it is unlikely the Joint Pretrial Order will be completed by December 21, 2021. Counsel for the Wyman Plaintiffs circulated a new draft of the Joint Pretrial Order on Friday, December 17, 2021. Additionally, the family of lead trial counsel for Smart has

1 tested positive for COVID-19 and the Christmas and New Year holiday is upon us—further disrupting
 2 the time available for counsel to review and revise the latest draft of the Joint Pretrial Order.
 3 Accordingly, the parties have agreed to extend the deadline to January 12, 2022 to enable counsel to
 4 spend time with their families.

5 The parties above request that the court approve of this stipulation and order giving the parties
 6 an additional time up to January 12, 2022 to submit the Joint Pretrial Order.

7 DATED this 21st day of December, 2021. DATED this 21st day of December, 2021.

9 /s/ Cliff W. Marcek

10 CLIFF W. MARCEK, ESQ.

Nevada Bar No. 5061

11 **CLIFF W. MARCEK, P.C.**

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12 Las Vegas, Nevada 89101

Attorneys for Plaintiffs

13 *SARA RODRIQUEZ, parent and guardian*

14 *Of JACOB WYMAN*

9 /s/ Joseph R. Meservy

10 WILLIAM H. PRUITT, ESQ.

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12 **BARRON & PRUITT, LLP**

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13 North Las Vegas, Nevada 89031

Attorneys for Defendant

14 *SMART INDUSTRIES CORPORATION*

15 DATED this 21st day of December, 2021. DATED this 21st day of December, 2021.

17 /s/ Brittney R. Glover

18 TRACY A. EGLET, ESQ.

Nevada Bar No. 6419

19 BRITTNEY R. GLOVER, ESQ.

Nevada Bar No. 15412

20 **EGLET ADAMS**

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Attorneys for Plaintiffs

22 *JENNIFER WYMAN, BEAR WYMAN;*

23 *and*

24 *ESTATE OF CHARLES WYMAN*

17 /s/ Peter Dubowsky

18 PETER DUBOSWKY, ESQ.

Nevada Bar No. 4972

19 AMANDA VOGLER-HEATON, ESQ.

Nevada Bar No. 13609

20 **DUBOWSKY LAW OFFICE, CHTD**

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Attorneys for WESCO INSURANCE CO.

25 **IT IS SO ORDERED**

26 
 27 UNITED STATES MAGISTRATE JUDGE

28 Dated: December 22, 2021